

# COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled COMPOUNDS ACTIVE AT A NOVEL SITE ON RECEPTOR-OPERATED CALCIUM CHANNELS USEFUL FOR TREATMENT OF NEUROLOGICAL DISORDERS AND DISEASES the specification of which

\_\_\_\_\_ is attached hereto.

X was filed on June 11, 1997 as Application Serial No. 08/873,011 and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

<u>PCT/US94/12293</u>	_____	<u>October 26, 1994</u>	_____	_____
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	_____	_____
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	_____	_____
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/869,154</u>	<u>June 4, 1997</u>	<u>pending</u>
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
<u>08/763,480</u>	<u>December 11, 1996</u>	<u>pending</u>
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
<u>08/663,013</u>	<u>June 7, 1996</u>	<u>pending</u>
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
<u>08/485,038</u>	<u>June 7, 1995</u>	<u>pending</u>
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

<u>08/288.688</u> (Application Serial No.)	<u>August 9, 1994</u> (Filing Date)	<u>abandoned</u> (Status) (patented, pending, abandoned)
<u>08/194.210</u> (Application Serial No.)	<u>February 8, 1994</u> (Filing Date)	<u>abandoned</u> (Status) (patented, pending, abandoned)
<u>08/014.813</u> (Application Serial No.)	<u>February 8, 1993</u> (Filing Date)	<u>abandoned</u> (Status) (patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Richard J. Warburg, Reg. No. 32,327

[X] Kindly recognize as associate attorney: Sheryl R. Silverstein, Reg. No. 40,812

Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr. Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; William E. Thomson, Jr., Reg. No. 29,719; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,395; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Bradford J. Duft, Reg. No. 32,219; Suzanne L. Biggs, Reg. No. 30,158; F.T. Alexandra Mahaney, Reg. No. 37,668; Jeffrey W. Guise, Reg. No. 34,613; Sheldon O. Heber, Reg. No. 38,179; Anthony C. Chen, Reg. No. 38,673; Charles S. Berkman, Reg. No. 38,077; and Gary H. Silverstein, Reg. No. 39,372 of LYON & LYON, 633 West Fifth Street, Suite 4700, Los Angeles, California 90071-2066 telephone (619) 552-8400.

Address all telephone calls to Richard J. Warburg, Reg. No. 32,327 at telephone no. (619) 552-8400

Address all correspondence to Richard J. Warburg, LYON & LYON, 633 West Fifth Street, Suite 4700, Los Angeles, CA 90071

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Full name of first inventor Alan L. Mueller

Inventor's signature Alan L. Mueller Date 1/15/98

Residence 2510 East Skyline Drive, Salt Lake City, Utah 84108 Citizenship US

Post Office Address 2510 East Skyline Drive, Salt Lake City, Utah 84108

Full name of second inventor Scott T. Moe

Inventor's signature Scott T. Moe Date 1/14/98

Residence 6152 South Vinefield Drive, Salt Lake City, Utah 84105 Citizenship US

Post Office Address 6152 South Vinefield Drive, Salt Lake City, Utah 84105

Applicant or Patentee: Alan L. Mueller, et al.

Serial or Patent No.: 08/873,011

Filed or Issued: June 11, 1997

For: COMPOUNDS ACTIVE AT A NOVEL SITE ON RECEPTOR-OPERATED CALCIUM CHANNELS USEFUL FOR TREATMENT OF NEUROLOGICAL DISORDERS AND DISEASES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(d) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

☐ the owner of the small business concern identified below:☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: NPS PHARMACEUTICALS, INC.

ADDRESS OF CONCERN: 420 Chipeta Way, Suite 240,  
Salt Lake City, Utah 84108

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above-entitled invention, by inventor(s) Alan L. Mueller and Scott T. Moe described in

☐ the specification filed herewith☒ application serial number 08/873,011 filed June 11, 1997☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT ORGANIZATION

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: \_\_\_\_\_

James U. Jensen

TITLE OF PERSON OTHER THAN OWNER: \_\_\_\_\_

Vice President

ADDRESS OF PERSON SIGNING: \_\_\_\_\_

420 Chipeta Way, Suite 240  
Salt Lake City, Utah 84108

Signature \_\_\_\_\_

James U. Jensen

Date \_\_\_\_\_

1/15/98



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D C. 20231

MARCH 20, 1998

PTAS



\*100628694A\*

LYON & LYON  
RICHARD J. WARBURG, ESQ.  
633 WEST FIFTH STREET  
SUITE 4700  
LOS ANGELES, CA 90071-2066

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/02/1998

REEL/FRAME: 8934/0358  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MUELLER, ALAN L.

DOC DATE: 01/15/1998

ASSIGNOR:

MOE, SCOTT T.

DOC DATE: 01/14/1998

ASSIGNEE:

NPS PHARMACEUTICALS, INC.  
420 CHIPETA WAY, SUITE 240  
SALT LAKE CITY, UTAH 84108-1256

SERIAL NUMBER: 08873011  
PATENT NUMBER:

FILING DATE: 06/11/1997  
ISSUE DATE:

SEDLEY PYNE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

RECEIVED

MAR 26 1998

U.S. PROSECUTION

Tab settings

To the Honorable Commissioner of Patents and Trademarks



100628694

Documents or copy thereof.

Attorney Docket No. 226/124

1. Name of conveying party(ies):

MRB  
2-2-98  
Alan L. Mueller  
Scott T. Moe

2. Name and address of receiving party(ies)

NPS PHARMACEUTICALS, INC.  
420 Chipeta Way, Suite 240  
Salt Lake City, Utah 84108 1256

Additional name(s) of conveying party(ies) attached? Yes \_\_\_ No X

3. Nature of conveyance:

Assignment

Execution Date: 1/14/98 and 1/15/98

Additional name(s) & address(es) attached? Yes \_\_\_ No X

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s) 08/873,011

B. Patent No.(s)

02/06/1998 CHINS1 00000052 00873011  
0 FC:581 40.00 00

Additional numbers attached? Yes \_\_\_ No X

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Richard J. Warburg, Esq.  
Lyon & Lyon

Street Address: 633 West Fifth Street  
Suite 4700

City: Los Angeles State: CA Zip: 90071-2066

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$40.00

X Enclosed

Charge Deposit Account 12-2475

8. Deposit account number:

12-2475

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Sheryl R. Silverstein  
Name of Person Signing

Sheryl R. Silverstein  
Signature

1/23/98  
Date

Total number of pages including cover sheet, attachments, and document: 3

### ASSIGNMENT

For valuable consideration, we, Alan L. Mueller of 2510 East Skyline Drive, Salt Lake City, Utah 84108 and Scott T. Moe of 6152 South Vinefield Drive, Salt Lake City, Utah 84105, hereby assign to NPS PHARMACEUTICALS, INC., having a place of business at 420 Chipeta Way, Suite 240, Salt Lake City, Utah 84108, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the invention and improvements which are the subject of an application for United States Patent entitled COMPOUNDS ACTIVE AT A NOVEL SITE ON RECEPTOR-OPERATED CALCIUM CHANNELS USEFUL FOR TREATMENT OF NEUROLOGICAL DISORDERS AND DISEASES filed on June 11, 1997, U.S. Serial No. 08/873,011 this assignment including said application, any and all United States and foreign patents granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in my name or in its own name for patents and like rights of exclusion and for inventor's certificates for said inventions and improvements; and we agree for ourselves and our heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this Assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at Salt Lake City, Utah, this 15<sup>th</sup> day of January, 1997<sup>8th</sup>

Alan L. Mueller  
Alan L. Mueller

State of Utah:

SS.

County of Salt Lake:

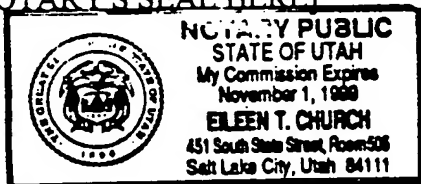
Before me this 15<sup>th</sup> day of January, 1997<sup>8th</sup>, personally appeared Alan L. Mueller known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he/she executed the same as his/her free act and deed for the purposes therein contained.

Eileen T. Church

Notary Public

My commission expires: 11-1-99

[NOTARY'S SEAL HERE]



IN WITNESS WHEREOF, I hereto set my hand and seal at Salt Lake City, Utah this 14<sup>th</sup> day of January, 1997<sup>8th</sup>

Scott T. Moe  
Scott T. Moe

State of Utah:

SS.

County of Salt Lake:

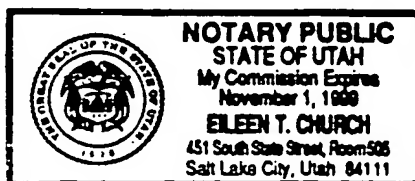
Before me this 14<sup>th</sup> day of January, 1997<sup>8th</sup>, personally appeared Scott T. Moe known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he/she executed the same as his/her free act and deed for the purposes therein contained.

Eileen T. Church

Notary Public

My commission expires: 11-1-99

[NOTARY'S SEAL HERE]



## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled COMPOUNDS ACTIVE AT A NOVEL SITE ON RECEPTOR-OPERATED CALCIUM CHANNELS USEFUL FOR TREATMENT OF NEUROLOGICAL DISORDERS AND DISEASES the specification of which \_\_\_\_\_ is attached hereto.

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(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	_____	_____
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<u>08/869,154</u>	<u>June 4, 1997</u>	<u>pending</u>
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
<u>08/763,480</u>	<u>December 11, 1996</u>	<u>pending</u>
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<u>08/288,688</u>	<u>August 9, 1994</u>	<u>abandoned</u>
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<u>08/194.210</u> (Application Serial No.)	<u>February 8, 1994</u> (Filing Date)	<u>abandoned</u> (Status) (patented, pending, abandoned)
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I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Richard J. Warburg, Reg. No. 32,327  
 [X] Kindly recognize as associate attorney: Sheryl R. Silverstein, Reg. No. 40,812

POWER OF ATTORNEY: As a named inventor, I hereby appoint as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr., Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,395; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Lois M. Kwasigroch, Reg. No. 35,579; Lawrence R. LaPorte, Reg. No. 38,948; Robert C. Laurensen, Reg. No. 34,206; Carol A. Schneider, Reg. No. 34,923; Hope E. Melville, Reg. No. 34,874; Michael J. Wise, Reg. No. 34,047; Richard J. Warburg, Reg. No. 32,327; Kurt T. Mulville, Reg. No. 37,194; Theodore S. Maceiko, Reg. No. 35,593; Bruce G. Chapman, Reg. No. 33,846; and F.T. Alexandra Mahaney, Reg. No. 37,668; and Sheryl R. Silverstein Reg. No.: 40,812 of LYON & LYON, 633 West Fifth Street, Suite 4700, Los Angeles, California 90071-2066 telephone (619) 552-8400.

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Full name of first inventor Alan L. Mueller  
 Inventor's signature *Alan L. Mueller* Date 9/10/98  
 Residence 2510 East Skyline Drive, Salt Lake City, Utah 84108 Citizenship US  
 Post Office Address 2510 East Skyline Drive, Salt Lake City, Utah 84108

Full name of second inventor Scott T. Moe  
 Inventor's signature *Scott T. Moe* Date 9-18-98  
 Residence 6152 South Vinefield Drive, Salt Lake City, Utah 84105 Citizenship US  
 Post Office Address 6152 South Vinefield Drive, Salt Lake City, Utah 84105